

JAY AND BELLA HAMMOND NFA CONCEPTUAL BILL PROVISIONS

Congress recognizes and hereby establishes the Jay and Bella Hammond National Fisheries Area to protect waters of the United States located within the watersheds of Bristol Bay, Alaska.

Waters of the United States located within the Jay and Bella Hammond National Fisheries Area shall be subject to heightened permitting standards for any proposed hardrock mining application submitted pursuant to section 404 of the Clean Water Act.

A permit application submitted pursuant to section 404 of the Clean Water Act for a hard rock mine in the Bristol Bay watershed must be based on the entire project including the reasonably foreseeable scope of the project including all phases, the environmental impacts, and duration of the mine.

No permit under section 404 of the Clean Water Act will be approved for a hardrock mine if the proposed discharge of dredged or fill material into the waters of the United States would, individually or collectively, result in any of the following, as verified by the Environmental Protection Agency and the Department of Interior:

1. The loss or degradation of 5 or more linear miles of streams capable of supporting anadromous fish occurrence, or the loss or degradation of 19 or more linear miles of streams or tributaries connected to streams capable of supporting anadromous fish occurrence; OR
2. The loss or degradation of 1,100 or more acres of wetlands, lakes, and ponds contiguous with either streams capable of supporting anadromous fish occurrence or tributaries of those streams; OR
3. Streamflow alterations greater than 20% of daily flow in 9 or more linear miles of streams capable of supporting anadromous fish occurrence.

Compensatory mitigation plans that seek to offset damage to waters of the United States in the Bristol Bay watershed are prohibited.

Notwithstanding any other provision of law, a permit application that meets the applicable provisions of this section does not constitute a permit approval.

“Bristol Bay Watershed” means the aquatic resources and waters that flow into Bristol Bay, Alaska, including the rivers, creeks, lakes, tributaries, headwaters, wetlands, and other aquatic resources that comprise the Cinder, Egegik, Igushik, Kvichak, Meshik, Nushagak, Naknek, Togiak, and Ugashik watersheds.

“Waters of the United States” means jurisdictional waters as defined by the Clean Water Act, 33 U.S.C. 1251 et seq and implementing regulations.

“Anadromous fish” means fish that hatch in freshwater habitats, migrate to sea for a period of relatively rapid growth, and then return to freshwater habitats to spawn. For the purposes of these restrictions, anadromous fish refers to coho or silver salmon (*Oncorhynchus kisutch*), chinook or king salmon (*O. tshawytscha*), sockeye or red salmon (*O. nerka*), chum or dog salmon (*O. keta*), and pink or humpback salmon (*O. gorbuscha*).

“Hardrock mine” is an active mining project, including all land and property placed under, or above the surface of such land, and including any associated project infrastructure necessary for mining operations, resulting from the work of extracting metal ore or minerals from their natural deposits by any means or method, including secondary recovery of metal ore from refuse or other storage piles, wastes, or rock dumps and mill tailings derived from the mining, cleaning, or concentration of metal ores.